PATENT
Attorney Docket No. 213307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Forney et al.

Serial No. 09/955,473 Group Art Unit: 2174

Filed: September 17, 2001 Examiner: Pitaro, Ryan F.

Appeal No. 2009-000054

For: EXTENSIBLE
MANUFACTURING/PROCESS
CONTROL INFORMATION
PORTAL SERVER

REQUEST FOR REHEARING
PURSUANT TO 37 CFR §§ 41.52

Mail Stop Appeal Brief—Patents
Commissioner for Patents
P.O. Box 1450
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Dear Sir:

Appellants request rehearing of the appeal taken from the examiner's final rejection. An oral hearing is not requested. Appellants' brief supporting this request for rehearing is provided herein.

I. Introduction

The Board Decision on Appeal (Board Decision) affirms the rejection of the presently pending claims based upon two erroneous findings that: (1) the combined teachings of the prior art suggest modifying Kahn's portal server to provide access to plant information, and (2) that Kahn, modified according to the teachings of Wewalaarachchi, would result in a *portal server comprising a set of data handlers*. The first finding erroneously disregards Appellants' express claiming of "plant information sources". The second finding erroneously disregards express/implied teachings of the prior art which would result in a system that

differs from the claimed invention which recites a portal server that includes the claimed data handlers.

Appellants respectfully request that the Board reconsider:

1. whether a sufficient reason exists, from the combined teachings of Kahn and Wewalaarachchi, under *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007), to modify Kahn's user-customized portal to provide access to plant process information provided by plant information sources such that claims 1-3, 5, 6, and 8-20 are rendered obvious; and

2. whether the combined teachings of Kahn and Wewalaarachchi disclose a portal server that *comprises* an extensible set of data handlers such that claims 5, 8, 12-15 and 17-20 are rendered obvious.

II. Background

Subject of Request for Reconsideration

This request is for reconsideration of the Board Decision affirming the Final Office Action's rejection of claims 1-20 under 35 USC §103. **First**, Appellants seek reconsideration of the Board Decision affirming the final rejection of independent claim 1 (representative of the first group of rejected claims argued on appeal by Appellants). In particular, Appellants seek the Board's reconsideration of its finding that there is a sufficient reason for one skilled in the art to modify Kahn's portal server to support access to "an extensible set of plant information sources." Appellants in particular, seek reconsideration of the Board's findings/conclusions at page 9, line 4 to page 10, line 4 regarding: (1) the scope of the claimed subject matter, and (2) whether someone having ordinary skilled in the art at the time of the invention would have any reason to modify Kahn's disclosed system to *support access to plant process information.*

Second, Appellants seek reconsideration of the Board Decision affirming the rejection of claims 5, 8, 12-15 and 17-20. The Board Decision is based, in part, upon portions of Wewalaarachchi that were not previously relied upon in either the Final Office Action or

the Answer. Appellants have submitted this request for reconsideration to address, based upon the newly cited section of Wewalaarachchi in the Board Decision's Finding of Fact 4, what Appellants believe to be a misapplication of Wewalaarachchi's disclosure to Kahn with regard to incorporating an extensible set of ***data handlers*** (handling particular types of data) *into a plant process observation* ***portal server***. Wewalaarachchi unequivocally teaches providing a set of protocol-specific gateways that are separate and distinct from an object server 220 that receives client requests for data that is thereafter provided (by the object server 200) via responsive data provided by the independent gateways to the object server 200.

The Claimed Invention

Appellants' claimed invention is directed to a customer-configurable plant process observation portal server. In accordance with a first claimed aspect (recited, for example, in independent claim 1), the plant process observation portal server provides access to an extensible set of *plant information* sources via the portal server. In accordance with a second claimed aspect (recited, for example, in independent claim 8) the *portal server comprises* an extensible *set of data handlers* that process differing types of data provided by plant information sources. Various types of plant information are identified in item 110 of Appellants' FIG. 2. These various types of data are handled by data access sub-system 125 (including data handlers 130 and 140).

The Prior Art

The Kahn reference does indeed disclose an extensible portal server. However, Kahn's disclosed extensible portal server merely supports aggregating links to already publicly available Web sites and pages. It is agreed that Kahn does not disclose adding non-public data sources, of which Appellants' claimed "plant process information" is a particular example. Nowhere does Kahn disclose or even remotely teach an extensible portal server infrastructure that enables users to add non-publicly accessed data sources to a portal site.

The Wewalaarachchi reference discloses a system for accessing process control information. In particular, Wewalaarachchi discloses a system including an object server (220) that provides access to particular types of data requested by clients. Each of the different types of data is supported by a distinct gateway. *See,* col. 7, lines 1-7. Furthermore, each gateway (210) provides data to the object server 220 in a standard format. *See*, col. 7, lines 5-7, and col. 7, lines 21-31. Thus, the object server 220 receives data from multiple independent, protocol-specific gateways *in a single data format.* Thus, the object server 220 does not, itself, include any protocol-specific data handlers. Moreover, Wewalaarachchi expressly teaches *away from incorporating such data handlers within a portal server.* In particular, Wewalaarachchi states, "One problem with conventional SCADA systems is that they are completely centralized. In a client-server system, all of the remote data information is loaded up into the central database, and then remote clients access the system. A problem with this design is degraded performance due to the single point of access, as many remote clients attempt to access the real time data through the single database server." *See*, col. 2, lines 5-11.

III. Grounds for Requesting Reconsideration

A. Absence of any reason to combine Kahn and Wewalaarachchi

The Board Decision reiterates the Final Office Action's conclusion that there is sufficient basis for modifying Kahn's user-modifiable portal to provide access to an extensible set of process data. Appellants first request reconsideration of the Board Decision's focus upon Appellants' reference to "non-public, highly sensitive plant process information" rather than the claimed "plant process information" limitation. Plant process information is "non-public and highly sensitive" information. Circumstances are not reasonably foreseeable under which public access (as needed by Kahn's portal server which relies on users' specifying publicly accessible links to define a customized portal) is provided to plant process information. Therefore, Appellants' use of the phrase "plant process

information" excludes the type of information considered accessible by the user-customizable portals based on Kahn's disclosed portal server architecture.

Moreover, Appellants request reconsideration, in view of the above discussion, the conclusion that Kahn's system could be modified to support providing access to an extensible set of plant information sources. In order to modify Kahn's system to support such functionality (recited in claim 1), *one would first need a plant process data source having user-designatable links*. However, neither Kahn nor Wewalaarachchi discloses or even remotely suggests providing user access to plant information source data links. Therefore, the Board Decision erred by concluding that combining Kahn's publicly accessible links-based custom portals with Wewalaarachchi's process control data sources *is merely a combination of familiar elements*. Such combination would require that Wewalaarachchi's data sources be accessible by user-designatable links. *No such user-accessible* ***links*** *are disclosed in Wewalaarachchi*. Importantly, the issue is not whether publishing such links (to plant process information) is uniquely challenging. The issue is whether, given Kahn's infrastructure, one skilled in the art would have used Kahn's disclosed configurable portal as the basis for providing access to an extensible set of plant process information sources. Appellants respectfully submit that one skilled in the art *would not* consider modifying Kahn's system to support access to plant process information since such modification would compromise the security of critical/sensitive information.

In view of the above, the Board's Decision erred in not considering the inappropriateness of the mechanism disclosed in Kahn for extending the set of plant process information data sources accessible to users via a portal server. Appellants' seek clarification, in the event the rejection of claim 1 is not reversed, of the conclusion (*see,* Decision, page 9, lines 15-20) that *Kahn's disclosed system* could be modified according to known methods that yield a "predictable result" (i.e., a plant process observation portal server comprising an extensible set of plant information sources accessed via the portal server).

Lastly, Appellants request reconsideration of the Decision's adoption of the Examiner's proffered rationale. The Final Office Action's basis for combining the references is to "provide diverse way to control a real time system." However, such rationale ignores the more important question of "Would someone of ordinary skill in the art adopt *Kahn's disclosed architecture* to provide user-configurable access to an extensible set of plant information sources in accordance with Appellants' claim 1?"

B. Modifying Kahn in view of Wewalaarachchi Does Not Render a Portal Server Comprising an extensible set of Data Handlers

The Board Decision adopts the Final Office Action's rejection of independent claim 8 based upon an erroneous merging of the Kahn and Wewalaarachchi disclosures. In particular, neither Kahn nor Wewalaarachchi discloses incorporating Appellants' claimed "data handlers" *into a portal server* (or any server). Claim 8 does not merely recite a set of handlers providing access to data via the portal server. Claim 8 specifically recites that the portal server *comprises* an extensible set of data handlers.

The combination of Kahn and Wewalaarachchi would not render a *portal server* ***comprising*** an extensible set of data handlers. Appellants agree that Kahn does not disclose data handlers. Appellants also agreed that Wewalaarachchi discloses a set of gateways that perform a protocol conversion function on received data to render data received by an "object server" according to a single standard format. Therefore, in contrast to Appellants' claimed invention, Wewalaarachchi discloses providing support for multiple different data types through a set of gateways ("data handlers") that are *separate from a server* that provides access to the data sources via the separate gateways. *See*, Wewalaarachchi, col. 7, lines 1-7, and col. 7, lines 21-31. Therefore, assuming one were able to apply the teachings of Wewalaarachchi to Kahn's user-customizable portal (doubtful for the reasons provided above), the result would be a portal server that accesses data having a variety data types via a set of external gateways. Each gateway in the combined Kahn/Wewalaarachchi system would provide data to the portal server according to a standardized format expected by the portal server. Such system does not read upon the express language of claim 8 wherein portal

server *comprises* the "data handlers". For at least this reason, Appellants respectfully request favorable reconsideration of the Board Decision's continued rejection of independent claim 8 as well as all other claims reciting a portal server "comprising" a "set of data handlers."

Finally, the Board Decision, at page 11, line 22 to page 12, line 2, states the inclusion of data handlers *within* a portal server is supported by "the *combination* of cited reference." However, when combined, they clearly teach the set of data handlers executing outside a server. Wewalaarachchi expressly notes the advantage of running the data handlers separately from the object server by enhancing scalability. *See,* Wewalaarachchi (scalability problem), col. 2, lines 5-13. Appellants therefore request reconsideration of the Board's Decision, and furthermore request identification of the "weight of the evidence" that supports any continued rejection of each of the claims that recite a portal server *comprising* an extensible set of data handlers.

IV. Conclusion

Appellants request modification of the Decision to reverse the rejection of each of the presently pending claims set forth in the Final Office Action.

Respectfully submitted by,

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APPENDIX
Appealed Claims

1. (Previously presented) A customer-configurable plant process observation portal server for collecting plant process information, in accordance with a user designated set of information sources, and for disseminating the information to users via network connections, the portal server comprising:

an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server;

a portal server data interface, accessible via remote networked stations, providing user access to plant information associated with the set of designated plant information sources; and

a portal configuration utility enabling a user to at least designate a new plant information source via a configuration interface, the new plant information source thereafter being added to the extensible set of plant information sources.

2. (Original) The portal server of claim 1 wherein the portal configuration utility further enables a user to designate a manner in which data from sources of information is visually depicted on a user interface rendered by the portal server for a particular portal site.

3. (Original) The portal server of claim 1 wherein the portal server comprises at least one association with an Internet portal site from which data received from plant information sources is accessed by users.

4. (Original) The portal server of claim 1 wherein the portal server comprises at least one association with an intranet portal site from which data received from plant information sources is accessed by users.

5. (Original) The portal server of claim 1 wherein the portal configuration utility further enables a user to designate a new data handler to be added to an extensible set of data handlers that process information of particular types provided by the extensible set of plant information sources.

6. (Original) The portal server of claim 1 wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant information source.

7. (Original) The portal server of claim 6 wherein the configuration template comprises a Web page, and the portal configuration utility is accessible by a browser.

8. (Previously presented) A customer-configurable plant process observation portal server for collecting plant process information in accordance with information source designations and for disseminating the information to users via network connections, the portal server comprising:

an extensible set of data handlers for processing differing types of data from a set of plant information sources accessed via the portal server;

a portal server data interface, accessible via remote networked stations, providing user access to plant information associated with the set of plant information sources; and

a portal configuration utility enabling a user to designate a new data handler via a configuration interface, the new data handler thereafter being added to the extensible set of data handlers.

9. (Previously presented) A customer-configurable plant process observation portal server for collecting plant process information in accordance with user specified information source designations and for disseminating the information to users via network connections, the portal server comprising:

an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server;

a user-configurable portal server data interface, accessible via remote networked stations, providing user access to plant information represented in the extensible set of plant information sources; and

a portal data interface configuration utility enabling a user to at least designate, via a configuration interface, a new user interface display element for presenting plant process information, the new user interface display element thereafter being added to the extensible set of plant information sources.

10. (Previously presented) A method for facilitating configuring a customer-configurable plant process observation portal server to collect plant process information in accordance with user-specified information sources, the method comprising the steps of:

creating an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server;

generating a portal server data interface, accessible via remote networked stations, providing user access to plant information represented in the extensible set of plant information sources; and

providing a portal configuration utility enabling a user to at least designate a new plant information source via a configuration interface, the new plant information source thereafter being added to the extensible set of plant information sources.

11. (Previously presented) A method for configuring a plant process observation portal site, supported by a portal server, to extend a set of information sources associated with the portal site, the method comprising the steps of:

accessing, via a browser, a configuration page associated with the portal site;

first specifying, via a graphical user interface, a new source of plant information accessed via the portal server; and

second specifying, via the graphical user interface, how information associated with the new source of plant information is visually rendered on visual displays associated with the plant process observation portal site.

12. (Previously presented) The portal server of claim 1 further comprising:

a plurality of data handlers that process information of particular types provided by the extensible set of plant information sources.

13. (Previously presented) The portal server of claim 12 wherein the plurality of data handlers comprises a process history database handler.

14. (Previously presented) The portal server of claim 12 wherein the plurality of data handlers comprises an alarm handler.

15. (Previously presented) The portal server of claim 12 wherein the plurality of data handlers comprises a data exchange protocol-specific handler.

16. (Previously presented) The portal server of claim 1 wherein the extensible source registry facilitates storing plant information provided by multiple controllers, thereby facilitating accessing data generated by multiple controllers via a single physical node on a process control network.

17. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises a process history database handler.

18. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises an alarm handler.

19. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises a data exchange protocol-specific handler.

20. (Previously presented) The portal server of claim 8 wherein the set of data handlers comprises a data handler for processing data from a controller, thereby facilitating accessing data generated by multiple controllers via a single physical node on a process control network.